

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2023 ND 215

Dean Benter,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20230202

Appeal from the District Court of Barnes County, Southeast Judicial District,
the Honorable Troy J. LeFevre, Judge.

AFFIRMED.

Per Curiam.

Tia L. Bossert, Dickinson, ND, for petitioner and appellant; submitted on brief.

Tonya Duffy, State's Attorney, Valley City, ND, for respondent and appellee;
submitted on brief.

Benter v. State
No. 20230202

Per Curiam.

[¶1] Dean Benter appeals from a district court order denying his application for post-conviction relief. Benter argues the court erred in denying post-conviction relief because his Sixth Amendment right to counsel was violated when he received ineffective trial and appellate representation. He also argues he was denied counsel without a knowing, voluntary, and intelligent waiver. Benter represented himself at trial after waiving his right to counsel. *State v. Benter*, 2022 ND 101, ¶¶ 13, 16, 974 N.W.2d 403 (holding the district court did not err in finding Benter knowingly, intelligently, and voluntarily waived his right to counsel and in determining he was competent to present his own defense).

[¶2] We conclude the district court’s findings that no persuasive evidence established ineffective assistance of counsel and that there was no prejudice to Benter regarding the second prong of the *Strickland* test—whether counsel’s representation caused prejudice—are not clearly erroneous. Courts need not address both prongs of the *Strickland* test if the matter can be resolved by addressing only one prong. *Rencountre v. State*, 2015 ND 62, ¶ 7, 860 N.W.2d 837; *Osier v. State*, 2014 ND 41, ¶ 11, 843 N.W.2d 277. We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (7); *Benter*, 2022 ND 101, ¶¶ 13, 16.

[¶3] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte
Douglas A. Bahr